

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

KEVIN ALFRED GOBERT,

Defendant.

CR-11-47-GF-BMM-01

**ORDER ADOPTING MAGISTRATE
JUDGE'S FINDINGS AND
RECOMMENDATIONS TO REVOKE
DEFENDANT'S SUPERVISED RELEASE**

United States Magistrate Judge Johnston entered Findings and Recommendations in this matter on May 19, 2016. (Doc. 110). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). The Court will review Judge Johnston's Findings and Recommendations, however, for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

Judge Johnston conducted a revocation hearing on May 16, 2016. (Doc. 107.) Gobert admitted that he violated conditions of his supervised release.

Judge Johnston has recommended that the Court revoke Gobert's supervised release. (Doc. 110 at 6.) Judge Johnston has recommended further that the Court sentence Gobert to a term of imprisonment of eight months on Count I and eight months on Count II, to run concurrently. *Id.* Judge Johnston also has recommended that the Court sentence Gobert to 42 months of supervised release on Count I. *Id.*

Gobert's violation qualifies as a Grade C violation. Gobert's criminal history score results in a criminal history category of I. Gobert's underlying offenses represent Class A and Class C felonies. The Court could sentence Gobert to a term of imprisonment of 60 months. The Court could order Gobert to remain on supervised release for up to 50 months, less any custodial time imposed. The United States Sentencing Guidelines call for three to nine months in custody.

The Court finds no clear error in Judge Johnston's Findings and Recommendations. Gobert's violations of his conditions represent a serious breach of the Court's trust. A sentence of eight months of imprisonment on Count I and eight months of imprisonment on Count II, to run concurrently, with a term of 42 months of supervised release represents a sufficient, but not greater than necessary, sentence.

IT IS ORDERED that Judge Johnston's Findings and Recommendations
(Doc. 110) is **ADOPTED IN FULL. IT IS FURTHER ORDERED** that
Defendant Kevin Alfred Gobert be sentenced to eight months imprisonment
followed by 42 months of supervised release.

DATED this 6th day of June, 2016

A handwritten signature in blue ink that reads "Brian Morris". The signature is fluid and cursive, with "Brian" on top and "Morris" below it, both starting with a capital letter.

Brian Morris
United States District Court Judge